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SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 36-706

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Personnel

ADMINISTRATIVE GRIEVANCE SYSTEM

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This Instruction implements AFDP 36-7, *Employee and Labor-Management Relations*, and Department of Defense Civilian Personnel Manual Subchapter 771, *The Administrative Grievance System*. It contains guidance and procedures for considering non-bargaining civilian employee grievances. It reflects the policies of the Secretary of the Air Force concerning matters that are discretionary within Air Force. It applies to US citizen civilian employees of the Air Force who are paid from appropriated funds and who are either non-bargaining unit employees, or bargaining unit employees in a unit where no collective bargaining agreement has been negotiated, or where the negotiated procedure excludes the matters at issue. It also applies to supervisors, civilian personnel officers, career Senior Executive Service (SES), Senior Level (SL), Scientific or Professional (ST), and other management officials of Air Force. This Instruction applies to appropriated fund civilian employees, administered under Title 5, including Air Force Reserve personnel, United States citizens assigned to foreign overseas areas, and civilian employees at joint service organizations where Air Force is the executive agent. It does not apply to Air National Guard Technicians administered under Title 32. It does not apply to applicants for employment. It also does not apply to matters that employees may appeal to Merit Systems Protection Board or matters covered by AFI 36-2706, *Equal Opportunity Program Military and Civilian*.

In collaboration with the Chief of Air Force Reserve (AF/RE) and the Director of the Air National Guard (NGB/CF), the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1) develops personnel policy for administrative grievance system programs. This Air Force Instruction (AFI) may be supplemented at any level; MAJCOM-level supplements must be

approved by the Human Resource Management Strategic Board (HSB) prior to certification and approval. Refer recommended changes and questions about this publication to the OPR listed above using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate chain of command. Requests for waivers must be submitted to the OPR listed above for consideration and approval. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS).

The subject publication has been reviewed for Information Collection and OMB Reporting requirements and have found data collection and reporting requirements that may need to be approved and licensed prior to collecting or gathering information from one or more DoD component, other federal agencies, or the general public (to include contractors). The statement regarding the applicability of this instruction to former Air Force employees with respect to matters arising during previous employment may trigger the Paperwork Reduction Act (PRA) of 1995. Former Air Force employees are considered members of the general public. In accordance with the PRA and DoD policy, ensure that reports of information collections that are collected and/or is compiled and transmitted from the general public are cleared and licensed by OMB prior to collection.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. Major changes include: administrative revisions; moves the Instruction from AFPD 36-12 to AFPD 36-7; clarifies Air Force policy in Chapter 1; clarifies authorities and responsibilities in Chapter 2; deletes reference to the Civilian Personnel Intelligence Personnel System; adds terms, definitions, and acronyms in Appendix 1; and adds compliance level tiers IAW AFI 36-360. Tier waiver authorities as approved by the Inspector General Advisory Board have been included per AFI 33-360, Publications and Forms Management. Refer to AFI 33-360 for tier waiver authority definitions and procedures.

Chapter 1

ADMINISTRATIVE GRIEVANCE SYSTEM (AGS)

1.1. Administrative Grievance. This Instruction establishes a process under which an Air Force employee, or a group of employees, acting as individuals, may request personal relief in any matter of concern or dissatisfaction relating to conditions of employment of the employee(s) which are subject to the control of Air Force management. The goal of the AGS is to resolve workplace disputes early and at the lowest level possible.

1.1.1. Civilian employees are entitled to present grievances under the AGS and have them considered and resolved expeditiously, fairly, and impartially.

1.1.2. All persons involved in the grievance resolution process shall be free from restraint, interference, coercion, discrimination, or reprisal.

1.1.3. Alternative Dispute Resolution (ADR) processes and/or conflict management techniques should be used to resolve disputes, consistent with requirements of Air Force Instruction (AFI) 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*.

1.1.4. The Air Force will administer the AGS without unlawful discrimination because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or prior EEO activity.

Chapter 2

AUTHORITIES AND RESPONSIBILITIES

2.1. Deputy Administrative Assistant to the Secretary of the Air Force (SAF/AA). SAF/AA has been delegated by the Secretary of the Air Force to be the final deciding official for certain grievances and disputes brought by and/or against certain senior officials. His/her decision is final. (T-0)

2.2. Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR). SAF/MR serves as an agent of the Secretary and provides guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, policies, programs, and budgets addressing the Administrative Grievance System. (T-0)

2.3. Deputy Chief of Staff of the Air Force, Manpower, Personnel and Services (AF/A1). AF/A1 develops, coordinates, and executes personnel policy and essential procedural guidance for the management of the Administrative Grievance System. (T-0)

2.4. Civilian Force Policy Division (AF/A1PC). AF/A1PC develops and implements policies that actively promote the AGS within Air Force. Oversees the implementation and administration of the AGS. Monitors and assesses the AGS to ensure compliance with DoD regulations and this instruction. (T-0)

2.5. Air Force Senior Executive Management Office (AF/DPS). AF/DPS provides operational oversight, guidance and administration of the system for all Air Force Civilian Senior Executives. AF/DPS serves as the principal policy and technical advisors to deciding officials and supervisors and assists them in processing and resolving grievances. (T-0)

2.6. Air Force Personnel Center (AFPC). AFPC provides operational oversight, guidance and training to Major Commands and Civilian Personnel Sections (CPSs) on implementation procedures for AGS consistent with this Instruction. (T-0)

2.7. Major Commands (MAJCOM), Direct Reporting Units (DRU), and Forward Operating Agencies, and Combatant Commands. The Personnel Directors of Major Commands, Direct Reporting Units, and Forward Operating Agencies will oversee programs and ensure compliance with DoD regulations and this Instruction. (T-0)

2.8. Civilian Personnel (CPS). The CPS, in conjunction with management, develops procedures in accordance with the system outlined in this Instruction. CPSs serve as principal policy and technical advisors to deciding officials and supervisors and assist them in processing and resolving grievances. This includes assisting deciding officials and supervisors in determining the most appropriate management official to represent the Air Force in any ADR proceeding. CPSs are responsible for publicizing the grievance process and advise employees regarding grievance procedures. CPSs shall promote use of informal resolution techniques to resolve disputes early and at the lowest level possible. (T-0)

2.9. Alternative Dispute Resolution (ADR) Managers. Assist commanders in setting ADR policies and procedures and promoting the ADR programs among all organizations on the installation. Exercise oversight of the installation workplace ADR program, including conducting case intake, advising employees and management officials of their rights and options with

respect to ADR, convening ADR proceedings, assigning neutrals, and coordinating on requests and compulsory processes to disclose confidential ADR communications. (T-0)

2.10. Commanders and Directors. Commanders and Directors, or equivalent management officials with delegated appointing authority, shall implement the AGS. Installation commanders, or their designee(s), except as provided below, will make final written decisions on grievances. Commanders and their designees will promote and implement ADR techniques to resolve workplace disputes under his or her jurisdiction. (T-0)

2.11. Deciding Officials. Deciding Officials make decisions, consistent with the requirements of this Instruction, concerning grievances. Grievances will be decided by an official in the grievant's chain of command, except where the grievance concerns matters outside the authority of that chain of command. A deciding official must be assigned to an organizational level higher than any employee involved in the grievance or having a direct interest in the matter being grieved unless the deciding official is the head of a component, installation, or activity. Grievances filed by employees of a tenant organization will be decided by an official in the grievant's chain of command, except where the grievance concerns matters outside the authority of that chain of command. (T-0)

2.12. Legal Advisors. Management should refer to the appropriate Staff Judge Advocate's office with regards to any legal implications that arise from an administrative grievance. In the event an administrative grievance could have Air Force-wide legal implications (e.g., FLSA matters), management must coordinate with the Air Force Legal Operations Agency's (AFLOA) Labor Law Field Support Center (LLFSC). (T-0)

Chapter 3

MATTERS COVERED AND EXCLUDED

3.1. Matters Included. The AGS covers any matter of concern or dissatisfaction relating to the conditions of employees which are subject to the control of Air Force management except those matters covered in 3.2.

3.2. Matters Excluded:

3.2.1. Any matters subject to formal review and adjudication by the Merit Systems Protection Board, the Office of Personnel Management, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission or any matter that the employee files under another review process or reconsideration procedure (e.g. adverse actions, classification appeals) within the DoD.

3.2.2. The content of established agency regulation and policy (e.g., Air Force Instructions).

3.2.3. Any matter covered by a negotiated grievance procedure (e.g., grievance procedure in a collective bargaining agreement).

3.2.4. Non-selection for promotion from a group of properly ranked candidates or failure to receive a non-competitive promotion.

3.2.5. The substance of performance standards, elements and or work objectives.

3.2.6. Determinations concerning performance awards, step increases, recruitment or relocation bonuses, retention allowances, highest previous rate, voluntary separation incentives, physicians comparability or additional pay allowances, supervisory differentials, critical position pay, or dual compensation waivers.

3.2.7. Determinations concerning suggestions or inventions.

3.2.8. Any action taken under a voluntary formal agreement entered into by an employee (e.g. mobility agreement or return from an overseas assignment).

3.2.9. The termination of a probationary employee, or reassignment of a supervisory employee to a nonsupervisory or non-managerial position during the supervisory or managerial probationary period, or separation or termination of an employee during a trial period.

3.2.10. The termination or expiration of a term or temporary appointment or promotion, whether in the competitive or excepted service, in accordance with conditions of the appointment or promotion, provided the employee was informed in advance of the temporary nature of the appointment or promotion and is returned to his or her former or equivalent position, if temporarily promoted.

3.2.11. Reassignment of a Senior Executive Service (SES) or Defense Intelligence Service Executive Service (DISES) member following receipt of an unsatisfactory rating, or return of a SES/DISES member to another pay system during the 1-year period of probation for less than fully successful executive performance, or for failure to be recertified, conditional recertification, or termination during probation for unacceptable performance.

3.2.12. SES/DISES performance evaluations, awards, or pay rate changes.

3.2.13. The separation or termination from a permanent position, except as provided for DCIPS positions in Chapter 6.

3.2.14. Any matter concerning a centrally-managed position. These will be processed in accordance with Air Force Manual (AFMAN) 36-606, Civilian Career Field Management and Development, Section G, Grievances and Complaints.

3.2.15. Preliminary notice of an action that, if effected, would be covered under the grievance system or excluded from coverage above.

3.2.16. An allegation of reprisal or other whistleblowing complaints which are subject to review and adjudication by the Inspector General or Office of Special Counsel.

Chapter 4

INFORMAL DISPUTE RESOLUTION

4.1. Submitting Informal Grievances. Employees may informally raise issues, problems, and concerns with their supervisor or designated management official in the employee's chain of command to resolve disputes. If the problem involves a matter or action directly involving the supervisor, and the employee has been unable to resolve the matter with that supervisor, the employee may present the matter to the next level supervisor.

4.2. Procedures. Informal grievances may be made verbally or in writing. Informal grievances must contain sufficient detail to identify the basis of the grievance and requested remedy. The remedy sought must be consistent with applicable law and regulation, personal to the employee, and may not include a request for disciplinary or administrative action affecting another employee. The grievance should also identify the employee's representative and his or her contact information. The problem must be presented within 15 calendar days following the date of the act, or event that the employee believes created the problem, or the date the employee became aware of (or reasonably should have become aware) the act or event. (T-0) Failure to abide by the filing deadlines set forth in this Section may result in the termination of the employee's grievance.

4.3. Informal Grievance Decision. The supervisor must consider the employee's grievance and should respond to the employee within 15 calendar days, but not more than 30 calendar days from the date the matter was raised. (T-0) If the grievance was made verbally, the supervisor may respond verbally. Otherwise, the decisions will be in writing. If the employee is dissatisfied with the response, he or she may request ADR or utilize the formal grievance procedure in this Instruction. When the supervisor believes the matter is not covered by the grievance process, the supervisor shall inform the employee and advise of the appropriate process, if any, for resolving the problem.

4.4. Alternative Dispute Resolution (ADR). ADR techniques should be utilized to the maximum extent possible with the consent of the grievant and deciding official or supervisor. ADR reduces the time and costs of settling disputes and empowers grievants and deciding officials to resolve issues in controversy more creatively and expeditiously. ADR may be attempted at any stage of the grievance process; however, it is most successful when initiated early or when the dispute is raised. Information about ADR should be made available to the parties in accordance with Air Force Instruction (AFI) 51-1201, *Alternate Dispute Resolution Process in Workplace Disputes*.

Chapter 5

PROCEDURES

5.1. Submitting Formal Grievances. An employee may file a formal written grievance if the matter is not resolved in the informal process or when the employee chooses to bypass the informal process and initially file a grievance. Where an informal grievance has been filed, the employee has 15 calendar days from the date of the informal grievance decision, or if no informal decision was issued, 15 calendar days from expiration of the deadline for responding to the informal grievance under Chapter 4.3. If the employee chooses to bypass the informal grievance process, he/she shall file the grievance in writing with the supervisor or locally designated deciding official within 15 calendar days following the date of the act or event that the employee believes created the problem, or the date the employee became aware of (or reasonably should have become aware of) the act or event. An employee may present a matter of concern regarding a continuing practice or condition at any time. Failure to abide by the filing deadlines set forth in this Section may result in the termination of the employee's grievance.

5.2. The formal grievance must contain:

5.2.1. A description of the employee's grievance including sufficient detail to identify the basis of the grievance and requested remedy. The remedy sought must be personal to the employee and may not include a request for disciplinary or administrative action affecting another employee. Failure to provide sufficient information regarding the issue and/or remedy may result in the Deciding Official terminating the grievance.

5.2.2. The name, address, e-mail, and telephone number of the employee's representative, if any.

5.2.3. Copies of documents in the employee's possession related to the grievance.

5.2.4. A statement the employee has not filed an appeal or complaint (e.g., an Inspector General or an Equal Opportunity complaint) with another administrative body on the same issue. Identical issues raised by the employee in any other grievance, appeal, or complaint are not grievable under this procedure. Identical or similar grievances may be joined and processed together for efficiency, provided this does not adversely affect the rights of the employee. Grievances are considered identical and similar when the concerns expressed, and the relief requested, are identical or similar.

5.2.5. The date and employee's signature.

5.3. Deciding official response. The deciding official shall issue a written decision responding to all issues and the reasons for the decision as soon as possible, but normally not later than 60 calendar days from the filing of the grievance (T-0). Additional time maybe permitted in the event that a fact finding investigation is initiated. If the grievance is cancelled, the deciding official should also give the reasons in writing for the decision.

5.4. Deciding officials shall determine:

5.4.1. The disposition of issue(s) which may arise in the processing of a grievance, such as whether to cancel processing of all or a portion of a grievance.

5.4.2. Whether the parties are willing to attempt informal dispute resolution or an ADR procedure.

5.4.3. Whether to require an impartial investigation.

5.4.4. The disposition of issue(s) that may arise from the grievant's choice of representative (e.g., conflicts of interest).

5.4.5. Which issue(s) shall be investigated if the grievance is accepted.

5.4.6. How much duty time shall be granted to the employee and the employee's representative to work on the grievance.

5.5. Investigations. The deciding official may designate a fact-finder. The fact-finder must not have been involved in the grievance or have a direct interest in the matter being grieved. The official shall also decide the scope of the investigation (e.g., whether to require a report of fact, a report of facts with analysis, or report of fact with analysis and recommendations). The grievant will be provided an opportunity to review and comment on the report prior to the decision being issued.

5.6. Requests for higher level review. The deciding official's decision on the merits of the grievance is final and not subject to further review. However, an employee may request a higher level management official review a decision if the deciding official fails to respond within established timeframes or rejects the grievance without a decision on its merits; or renders a decision that did not grant the relief sought when the grievance involved a suspension without pay of less than 14 days; or renders any other decisions as established by local procedures.

5.6.1. The higher level deciding official shall review the grievance and respond no more than 15 calendar days later unless timeframes are extended consistent with this Instruction. (T-0) Requests for review by the grievant are sent directly to the reviewer for a decision.

5.6.2. Local procedures should specify this review be done by a deciding official at a higher organization level than the official who made the initial decision.

5.6.3. A higher level review is not authorized if the Deciding Official is the Deputy Administrative Assistant of the Air Force. That office has been delegated by SECAF to decide all grievances brought by and/or against certain senior officials. Thus, that decision by SAF/AA is final.

5.7. Cancellation. A grievance or a portion of the grievance may be canceled if:

5.7.1. The grievant informs the deciding official the dispute has been resolved.

5.7.2. The subject matter of the grievance is excluded (cancel the grievance or that portion of the grievance containing excluded matters and advise the employee of any other appropriate forum for resolving the excluded issues).

5.7.3. The grievant failed to provide sufficient detail to clearly identify the matter being grieved or specify the personal relief requested (cancel processing of the grievance until the deficiency is corrected).

5.7.4. The grievance requests disciplinary or adverse action be taken against another employee (cancel that portion of the grievance).

5.7.5. The grievant fails to comply with established time frames.

5.7.6. The grievant files a formal appeal, complaint or other challenge on the same matter under another formal dispute resolution process identified above (cancel that portion of the grievance pending or resolved in another process).

5.7.7. The grievant alleges discrimination based upon race, color, religion, sex, national origin, physical or mental disability, or age, in connection with a grievance.

5.7.7.1. The deciding official will hold the grievance in abeyance and refer the allegation of discrimination to the activity's Equal Opportunity (EO) Director. The official will notify the employee, the employee's representative, and the CPS in writing of the referral.

5.7.7.2. If the grievant withdraws the allegations of discrimination and requests further processing under the AGS, the deciding official will resume processing the grievance and notify all parties in writing. If the grievant files a formal discrimination complaint, or does not withdraw the allegations of discrimination in the grievance and requests further processing under the AGS, the grievance will be canceled by the deciding official.

5.8. Timeframes. When calculating the time limits under the AGS, the day of an action or receipt of a document is not counted. The latest day of the time limit is counted unless it is a Saturday, a Sunday, a legal holiday, or day on which the employee is not regularly scheduled to work. In those cases, the last day of the time limit shall be moved to the next regularly scheduled workday. The parties may agree to extend timeframes or the deciding official may extend timeframes when warranted by special circumstances (e.g., geographically separated units). However, a grievance should be resolved no more than 90 calendar days from the filing of the dispute.

5.9. Representation Rights. Air Force employees are entitled to present grievances, communicate with management officials and their servicing CPS, and represent themselves, or be represented by someone of their choosing. The representative may accompany the employee or act for the employee without the employee's presence. If the employee elects representation, he or she must designate the representative in writing and must notify management in writing of any change in that designation of representation. The choice of representative may be denied if it would result in a conflict of interest, conflict with mission priorities, or result in unreasonable costs. Employees must be notified in writing, as soon as possible, after the decision of any disallowance of a particular representative and provided rationale for the disallowance.

5.10. Use of Duty Time. Employees and their representatives will be allowed, upon request, a reasonable amount of duty time, if otherwise in a duty status, to prepare and present a grievance. Determinations of what constitutes a reasonable amount of duty time will be based on the facts and circumstances of each case. Additional time may be granted to the employee, upon request, when it is shown that circumstances are beyond the grievant's or management's control (e.g. illness, complex issues, workload).

5.11. Grievance Files. Upon request, the grievance file shall be made available to the grievant and/or the grievant's representative for review unless to do so would be unduly burdensome or contrary to law or regulation. The file shall contain all official documents or copies of documents related to the grievance. Grievance files will be retained within the CPS and may be destroyed no sooner than 4 years but no later than 7 years, after case is closed, in accordance with AFRIMS TABLE & RULE: T 36 - 29 R 01.00 records disposition schedule.

5.12. Local Procedures. Installation commanders and management officials with delegated appointing authority, with the assistance of the CPS, may tailor the AGS to meet local needs, so long as the changes are consistent with this Instruction and applicable to DoD regulations. For example, installation commanders and management officials may create specifications for deciding officials and organizations, or appoint designees for grievance and decision reviews. Matters and types of positions excluded from grievance coverage in DoD regulations and this Instruction may not be changed unless approved by the DoD. Minimum processing time limits, as stated in this Instruction, must be observed.

DANIEL R. SITTERLY, SES, USAF
Principal Deputy Assistant Secretary of the Air Force
(Manpower & Reserve Affairs)

Attachment 1**GLOSSARY OF REFERENCES*****References***

Title 5, Code of Federal Regulations, Part 771, Agency Administrative Grievance System

DoDI 1400.25, Vol. 771, *Administrative Grievance System*, December 26, 2013

AFPD 36-7, *Employee and Management-Labor Relations*, December 15, 2008

AFI 33-360, *Publications and Forms Management*, 20 Sep 2013

AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*, May 21, 2009

AFMAN 36-606, *Civilian Career Field Management and Development*, May 3, 2011

HAF Mission Directive 1-24, Assistant Secretary of the Air Force, Manpower and Reserve Affairs, 15 December 2008

HAF Mission Directive 1-32, Deputy Chief of Staff of The Air Force, Manpower, Personnel and Services, 1 July 2009

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

ADR—Alternative Dispute Resolution

AGS—Administrative Grievance System

AFPC—Air Force Personnel Center

CPS—Civilian Personnel Section

MAJCOM—Major Command

NGP—Negotiated Grievance Procedure

OPM—Office of Personnel Management

Terms

Administrative Grievance System (AGS)— Process under which nonbargaining unit employees may request personal relief in any matter of concern or dissatisfaction relating to conditions of employment of the employee(s) which are subject to the control of Air Force management.

Alternative Dispute Resolution (ADR)— Any procedure that is used to resolve issues in controversy, including but not limited to facilitation, mediation, fact finding, minitrials, arbitration, and the use of ombudsman, or any combination thereof. In workplace disputes, ADR proceedings utilize the services of a neutral third party to assist the parties resolve their dispute.

(Refer to AFI 51-1201, Alternative Dispute Resolution Process in Workplace Disputes, for additional guidance.)

Grievance— An employee request for personal relief in any matter of concern or dissatisfaction relating to conditions of employment of the employee which are subject to the control of Air Force management.

Negotiated Grievance Procedure (NGP)— Process under which bargaining unit employees or labor organizations may submit a complaint concerning any matter relating to the employment of the employees.

Remedy— An action taken by an agency in response to a grievance. The remedy must be consistent with applicable law and regulation, and personal to the grievant(s).

Workplace Dispute— A formal or informal claim or issue in controversy that arises out of an existing or prospective employment relationship between the Air Force and its civilian employees, applicants for employment, or military members, or which otherwise materially affects conditions of employment for Air Force civilian employees, for which a remedial process is authorized by law, regulation, or policy. For purposes of application of ADR principles, a workplace dispute may be written or oral.